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Response/Amendment dated: May 23, 2006

REMARKS/ARGUMENTS

Claims 1 through 20 remain pending in this application.

Claims 1, 2, 7-10 and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,215,811 (issued Apr. 10, 2001) to Yuen [hereinafter "*Yuen*"].

Claims 3 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yuen* in view of U.S. Patent No. 6,456,858 (issued Sep. 24, 2002) to Streter [hereinafter "*Streter*"].

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yuen* combined with *Streter* in further view of U.S. Patent No. 6,222,483 (issued Apr. 24, 2001) to Twitchell, et al. [hereinafter "*Twitchell*"].

Claims 4, 11-15 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1

The Examiner has argued that *Yuen* discloses "predicting when the mobile wireless communication station transitions between the first data rate mode and the second data rate mode" in accordance with Applicant's claim 1. See USPTO Office Action, page 2 (date mailed Feb. 16, 2006) [hereinafter "Fcb. 16th OA"].

Applicant respectfully disagrees. *Yuen* discloses "handing off a remote unit between two base stations without interrupting communications between the remote unit and the base stations." See *Yuen*, col. 1, lines 53-55. The system described by *Yuen* queues and stores the data right before the handoff (See *Yuen*, col. 22, lines 23-29) and subsequently transmits the data

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after the handoff to a second base station using a temporary higher data rate (*See Yuen*, col. 22, lines 51-52).

In contrast, Applicant's claim 1 provides the feature of "predicting . . . transitions," that is, predicting the data rate change and transmitting the data from the network to the handset right before handoff begins (not after).

Similarly, Applicant respectfully disagrees that *Yuen* discloses "requesting data from a network prior to transitioning between the first data rate mode and the second data rate mode." *See Feb. 16th OA*, page 3. Rather, *Yuen* teaches queuing and storing the data as discussed above, (*See Yuen*, col. 22, lines 23-29), and subsequently transmitting the data *after the handoff* to a second base station. (*See Yuen*, col. 22, lines 51-52).

Therefore, Applicant's claim 1 is patentably distinguishable from *Yuen*, and Applicant respectfully requests reconsideration and withdrawal of Examiner's 35 U.S.C. § 102(e) claim 1 rejection.

Claim 2

Claim 2 depends from, and includes all limitations of, independent claim 1. Therefore, claim 2 is patentably distinguishable from *Yuen* for the reasons provided above with respect to claim 1. Applicant respectfully requests reconsideration and withdrawal of Examiner's 35 U.S.C. § 102(e) claim 2 rejection.

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Claim 7

As discussed above with respect to claim 1, *Yuen* does not disclose “predicting when the mobile wireless communication station transitions between the first data rate mode and the second data rate mode,” and does not disclose “transmitting data before the mobile wireless communication station transitions between the first data rate mode and the second data rate mode.”

Therefore, Applicant respectfully disagrees with Examiner that *Yuen* discloses the features of Applicant’s independent claim 7. *See Feb. 16th OA*, page 3. Specifically, *Yuen* does not disclose a “processor for predicting when the mobile wireless communication station transitions between the first data rate mode and the second data rate mode,” and does not disclose a “transmitter for transmitting data before the mobile wireless communication station transitions between the first data rate mode and the second data rate mode.”

Therefore, Applicant’s claim 1 is patentably distinguishable from *Yuen* for the reasons provided above with respect to claim 1. Reconsideration and withdrawal of Examiner’s 35 U.S.C. § 102(e) rejection of claim 7 is respectfully requested.

Claims 8 through 10

Because claims 8 through 10 are dependent claims that depend from, and include all limitations of, independent claim 7, claims 8 through 10 are likewise patentably distinguishable from *Yuen*. Reconsideration and withdrawal of Examiner’s 35 U.S.C. § 102(e) rejection of claims 8, 9 and 10 is respectfully requested.

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Claim 16

As discussed above with respect to claim 1, *Yuen* does not disclose the predictive features of Applicant's claims. Therefore claim 16 is patentably distinguishable for the same reasons provided above for claim 1. Reconsideration and withdrawal of Examiner's 35 U.S.C. § 102(e) rejection of claim 16 is respectfully requested.

Claims 3 and 17

Claim 3 depends from, and includes all limitations of independent claim 1, and claim 17 depends from and includes all limitations of independent claim 16. As discussed above with respect to claims 1 and 16, *Yuen* does not disclose the features of claim 1 or claim 16 and therefore cannot be used to establish a prima facie case under 35 U.S.C. § 103(a) for any dependent claims that include the same limitations.

Streter also does not disclose the claim 1 or claim 16 limitations, and therefore Applicant's claims 3 and 17 are patentably distinguishable from *Yuen* and *Streter* individually and in combination. Therefore, reconsideration and withdrawal of Examiner's 35 U.S.C. § 103(a) rejection of claims 3 and 17 is respectfully requested.

Claims 5 and 6

Claims 5 and 6 are dependent claims and include all limitations of independent claim 1. Therefore, as discussed above, *Yuen* and *Streter* do not establish a prima facie case under 35 U.S.C. § 103(a) for claims 5 and 6. While Applicant agrees with Examiner that *Twitchell* discloses requesting GPS satellite data and ephemeris data, *Twitchell* does not, independently or in combination with *Yuen* and *Streter*, disclose the features of claim 5 and 6 required to establish

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a prima facie case under 35 U.S.C. § 103(a). Therefore, reconsideration and withdrawal of Examiner's 35 U.S.C. § 103(a) rejection of claims 5 and 6 is respectfully requested.

Claims 4, 11-15, and 18-20

The Examiner has noted that claims 4, 11-15 and 18-20 are directed toward allowable subject matter. See Feb. 16th OA, page 7. Because Applicant has argued above with respect to the allowability of the base and intervening claims, Applicant respectfully requests reconsideration and withdrawal of the objections regarding the dependent form.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant(s) has/have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any

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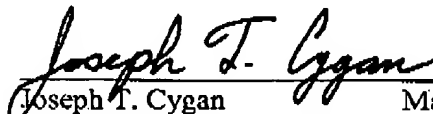
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questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Yilin Zhao

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Attachments


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